



P803-1314US

App. No. 10/614,500

Amdt. dated 04/12/2005

Reply to Office action of 01/11/2005

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently amended) A method of controlling flow through a return port positioned downhole in a well, comprising:

- a. providing an engagement surface on a downhole member disposed downhole in the well, which member separates an annulus into an upper annulus and a lower annulus;
- b. engaging a downhole well treatment tool having a return port and a return port cover coupled thereto with the engagement surface of the downhole member to move the return port cover from a first position to a second position;
- c. disengaging the well treatment tool from the engagement surface of the downhole member; and
- d. allowing the return port cover to move from the second position.

2. (Original) The method of claim 1, wherein the well treatment tool comprises a cross-over tool.

3. (Original) The method of claim 1, wherein the downhole member comprises a packer and the engagement surface is coupled to an uphole portion of the packer.

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4. (Original) The method of claim 1, wherein the well treatment tool comprises a cross-over tool and the downhole member comprises a packer and the engagement surface is coupled to an uphole portion of the packer, further comprising:

- a. lowering the cross-over tool and packer in a coupled arrangement into the well;
- b. setting the packer;
- c. performing a well treatment operation with a fluid flow path through the cross-over tool and at least partially through the return port with the return port cover at least partially open;
- d. raising the cross-over tool from the packer to at least partially close the return port cover on the return port; and
- e. altering the fluid flow path through the cross-over tool.

5. (Original) The method of claim 4, wherein altering the fluid flow path comprises altering from a circulating position to a reversing position.

6. (Original) The method of claim 1, wherein the first position is at least partially closed on a return port formed in the well treatment tool and second position is at least partially open on the return port.

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7. (Original) The method of claim 6, wherein allowing the return port cover to move from the second position comprises allowing the return port cover to return to the first position.

8. (Original) The method of claim 1, further comprising initially coupling the well treatment tool with the downhole member and releasing the downhole member in a set position.

9. (Original) The method of claim 1, wherein the well treatment tool is adapted for use in fracturing, gravel packing, acidizing, water packing, or a combination thereof.

10. (Original) The method of claim 1, further comprising biasing the return port cover to a closed position.

11. (Original) The method of claim 1, further comprising coupling the return port cover to the well treatment tool proximal to the return port so that the return port cover operates to at least partially close and at least partially open the return port independent of downhole conditions that induce tubing movement.

12. (Original) A well treatment tool, comprising:

- a. a wall having a return port formed therethrough to establish a fluid flow path between an exterior portion and an interior portion of the well treatment tool;

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- b. a return port cover coupled to the wall proximal the return port, the return port cover having a first position and a second position, wherein one position comprises an at least partially closed position on the return port and the other position comprises an at least partially open position on the return port;
- c. an engagement surface coupled to the return port cover and adapted to engage another engagement surface disposed downhole and independent from the well treatment tool for actuation of the return port cover.

13. (Original) The tool of claim 12, wherein the first position comprises the at least partially closed position and the first position is used during a circulating position of the well treatment tool to establish a first flow path.

14. (Currently amended) The tool of claim 13, wherein the second position comprises the at least partially open position and the second position is used during a ~~reversing~~reversing position to establish a second flow path.

15. (Original) The tool of claim 12, wherein the well treatment tool comprises a cross-over tool.

16. (Original) The tool of claim 12, further comprising a downhole member having the another engagement surface coupled thereto.

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17. (Original) The tool of claim 16, wherein the downhole member comprises a packer.

18. (Original) The tool of claim 12, wherein the return port cover is adapted to operate to at least partially close and at least partially open the return port independent of downhole conditions that induce tubing movement.

19. (Currently amended) A system for ~~controlling~~ affecting flow through a port, comprising:

- a. a work string;
- b. a tool string coupled to the work string, the tool string comprising at least the well treatment tool of claim 12; and
- c. a downhole member having the another engagement surface disposed downhole.

20. (Currently amended) A system for controlling flow through a port, comprising a well treatment tool having a return port facilitating communication between an upper annulus and a lower annulus and a means for at least partially opening and closing the return port at selective times in a well treatment operation independent of a well treatment pressure.

21. (Original) The system of claim 20, wherein the well treatment tool comprises a cross-over tool.

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22. (Original) The system of claim 20, wherein the means for at least partially opening and closing the return port is biased to an at least partially closed position.

23. (Original) The system of claim 20, wherein the means for at least partially opening and closing the return port is adapted to engage a means for engaging the return port cover on the downhole member.

24. (Original) The system of claim 20, wherein the downhole member comprises a packer.

25. (Original) The system of claim 20, wherein the means for engaging the return port cover is disposed on the downhole member to allow the means for at least partially opening and closing the return port to be raised and lowered for disengagement and engagement with the means for engaging on the downhole member.

26. (Original) The system of claim 23, wherein the means for engaging the return port cover comprises an engagement surface coupled to the downhole member.

27 (New) A cross-over type well treatment tool adapted to be received at least partially within a downhole assembly, which downhole assembly separates a well annulus into upper and lower

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sections, the tool comprising:

a body having a flow path that facilitates communication between the lower annulus and the upper annulus; and

a flow path restriction coupled to the tool and having an actuation surface adapted to contact a corresponding actuating surface on the downhole assembly to thereby actuate the restriction to a substantially non-flow restricting position, the restriction biased to a flow-restricting position when the actuation and actuating surfaces are displaced one from another.

28. (New) The tool of claim 27, wherein the downhole assembly comprises a packer assembly.

29. (New) The tool of claim 28, wherein the restriction is not actuatable by well treatment pressure.

30. (New) The tool of claim 29, wherein the restriction is disposed in the upper annulus when the restriction is in the non-flow restricting position.

31. (New) The tool of claim 30, wherein the flow-restricting position does not seal the flow path.